REMARKS

Reconsideration is respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1, 2, 5, 9, 10 and 16 – 19 are pending in the application, with claims 3, 4, 6 – 8 and 11 - 15 having previously been canceled without prejudice or disclaimer.

IV. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 2, 5, 9, 10 and 16 – 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,457,681 to Wolf et al. ("Wolf")in view of U.S. Patent No.6,247,994 to DeAngelis et al. ("DeAngelis"), U.S. Patent No. 5,344,357 to Lyczek ("Lyczek") and U.S. Patent No. 6,270,040 to Katzer ("Katzer"). Applicant respectfully traverses the rejections of claims 1, 2, 5, 9, 10 and 16 – 19 under 35 U.S.C. § 103(a).

In independent claim 1, Applicant claims:

1. A remote control toy system comprising:

a plurality of sets, each set including a controller and a model controlled based on data transmitted from the controller, the transmitted data corresponding to an operation of the controller for controlling an operation of the model; and

an accessory device, provided separately from the controllers and the models, for conducting data communication with the controllers and the models,

wherein each of the controllers, the models, and the accessory device separately comprises:

a radio communication module for executing the data communication and for conducting bilateral data communication; and

a control device for implementing various controls based on data communication conducted through the radio communication module, wherein:

each model travels in accordance with information describing a correspondence between operation of the controller and an action of the model, and

each model comprises a detection device for detecting course position information upon passing a predetermined position on a race course and outputting a signal

indicating the detected course position information,

the control device of each model comprises:

a device for making a predetermined decision concerning a course position based on the output signal of the detection device; and

a device for generating data corresponding to a result of the decision and sending the data through the radio communication module of the model,

the control device of the accessory device comprises:

a device for receiving data sent from the model associated with the output signal of the detection device, the output signal being received through the radio communication module of the accessory device;

a device for determining restrictions concerning the travel of at least one model, based on the received data; and

a device for generating data corresponding to the determined restrictions and sending the generated data through the radio communication module of the accessory device, and

the control device of the controller or the model comprises:

a device for receiving data corresponding to the restrictions sent from the accessory device, through the radio communication module; and

a device for setting the information describing the correspondence between operation of the controller and an action of the model based on the received data.

(Emphasis added).

Wolf discloses a control and operating system for model trains (see, e.g., abstract of Wolf), and DeAngelis discloses a system for controlling a plurality of toy vehicles (see, e.g., abstract of DeAngelis). In sharp contrast to Applicant's claimed invention, the Examiner acknowledges that Wolf and DeAngelis fail to teach "that each model comprises a detection device for detecting course position information upon passing a predetermined position on a race course and outputting a signal indicating the detected course position information." The Examiner however suggests that this deficiency is overcome with the addition of Lyczek. Applicant respectfully disagrees.

Lyczek discloses an aquatic toy (fish) which includes a propulsion system to propel the toy through the water. While the toy is configured to be controlled by a remote controller, it also includes a random controller 27 that controls the toy when it is not being operated by remote control

(see, e.g., Col. 2: 32 – 35 of Lyczek). The random controller 27 is used in conjunction with proximity sensors 17, 18, which enable the toy to detect objects in front of it and then change course in order to avoid collisions (see, e.g., Col. 3: 24- 41 of Lyczek).

Applicant submits that while the proximity sensors disclosed by Lyczek may arguably be combined with systems of Wolf and DeAngelis to provide a mechanism for collision avoidance between approaching vehicles, this combination would fail to provide course position information as claimed by Applicant upon passing a predetermined position on course of travel (for example, position information indicating the completion of a lap or entry into a pit area, as in Applicant's disclosed system).

As is effectively acknowledged by the Examiner, the proximity sensors of Lyczek are used under circumstances where the toy is "not under radio remote control by user." As a result, the combination of Lyczek with Wolf and DeAngelis would arguably teach proximity sensors that are used autonomously by each vehicle in the system, without external control, to detect and prevent collisions with other approaching vehicles. In other words, and in sharp contrast to Applicant's claimed system, the combination would not suggest as in Applicant's claimed system that a toy, upon detecting an impending collision, output a signal to a centralized management device in order to affect a change in the operation of the remote control of the vehicle.

The Examiner also acknowledges that the combination of Wolf, DeAngelis and Lyczek fails to teach Applicant's claimed control device of the accessory device for receiving data sent from the model, determining restrictions concerning the travel of at least one model based on the received data, generating data corresponding to the determined restrictions, and sending the generated data through the radio communication module to the control device for the controller or model for setting the information describing the correspondence between operation of the controller and an action of the model based on the received data. The Examiner however suggests that this deficiency is overcome with the addition of Katzer. Applicant respectfully disagrees.

Katzer discloses a model train control system (see, e.g., abstract of Katzer). Katzer suggests that the potential problems associated with several users attempting to simultaneously control a single railroad can be addressed by intervening event monitoring software (see, e.g., Col. 45: 37 –

57 of Katzer). In this regard, Katzer discloses a dispatcher controller 310 that receives and processes each user command before directing the railroad to execute the command (see, e.g., Col. 46: 31 – 38 of Katzer). In other words, the controller 310 of Katzer acts as an intermediary or gatekeeper for all user commands.

In sharp contrast to Katzer, Applicant's claimed accessory device does not intervene to directly process user commands, but rather transmits information to the model or to the controller to adjust settings which influence a response to be taken by the model or the controller upon direct receipt of a user command. Thus, unlike the system disclosed by Katzer, Applicant's claimed system does not require the accessory device to process and respond to each and every command signal generated by a user operating the controller, but rather only to process and respond to signals output by the model that indicate an output of the detection device of the model.

For at least the above-argued reasons, Applicant respectfully submits that none of Wolf, DeAngelis, Lyczek or Katzer, either alone or in combination, discloses or otherwise suggests the remote control toy system as claimed by Applicant in independent claim 1, and that independent claim 1 stands in condition for allowance. Applicant reapplies these same arguments with reference to independent claim 16, which essentially includes the same distinguishing features, and submits thereby that claim 16 is also allowable.

As claims 2, 5, 9, 10, and 17 - 18 each depend from one of allowable independent claims 1 and 16, Applicant further submits that dependent claims 2, 5, 9, 10, and 17 - 19 are also allowable for at least this reason. Applicant submits that claims 17 and 18 are also allowable for an additional reason.

Claims 17 and 18 respectively depend from allowable independent claims 1 and 16, and further claim that:

> the data transmitted from the controller for remotely controlling the operation of the model is generated by a control device of the controller according to a selected one of a plurality of data maps, and
>
> the data generated by the device for generating data in the control device of the accessory device is directed to control each controller in the plurality of sets to select an alternate one of the plurality of data maps.

(Emphasis added)

In other words, according to claims 17 and 18, the data generated by accessory device of Applicant's claimed system causes each controller to change a selected data map to an alternate data map, which causes a change in data generated by the controller in response to an operation of the controller by the user (see, e.g., page 19, line 25 through page 42, line 22 of Applicant's specification and Applicant's FIG. 13). Applicant respectfully submits that none of the cited references, alone or in combination, teach or suggest this claimed feature of Applicant's invention.

Therefore, Applicant respectfully requests that the rejections of claims 1, 2, 5, 9, 10 and 16 – 19 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

By _____

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